

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 2:06-cr-219-WKW
)	
PHILLIP FOY)	

MOTION TO CONTINUE SENTENCING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and as grounds for the Motion to Continue Sentencing, states as follows:

1. A Sentencing Hearing is presently set for August 1, 2007, at 2:00 p.m.
2. The government and the Defendant entered into a plea agreement, the terms of which contemplated the government filing a motion to decrease Defendant's offense level, pursuant to USSG 5K1.1 if the Defendant provided substantial assistance to the United States.
3. To date, the Defendant has not provided substantial assistance to the United States as would allow for the filing of a downward departure motion, however, the Defendant has a current opportunity to substantially assist the United States and earn a possible decrease in his offense level.
4. The parties believe that a continuance in the sentencing of this case is warranted and necessary, at this time, to allow the Defendant an opportunity to substantially assist law enforcement, thus allowing the government to request a downward departure in his case.
5. Richard Keith, attorney for defendant, has been contacted and joins in the request for a continuance in this case.
6. The defendant will not be harmed or unfairly prejudiced should sentencing be continued.
7. On information and belief, the Government requests that sentencing in this case not

be re-set within the next three (3) months.

8. Should the parties be prepared earlier than November, 2007, to resume sentencing in this case, the Government will assume the responsibility of notifying the Court.

Based on the facts stated above, the United States respectfully requests a continuance in the above-styled sentencing.

Respectfully submitted this 31st day of July, 2007.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/ Susan R. Redmond
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CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to: Richard Keith, Esquire.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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